

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GOJO INDUSTRIES, INC.,

Plaintiff,

v.

INNOVATIVE BIODEFENSE, INC., and  
AQUARIUS GLOBAL ENERGY  
PARTNERS, LLC,

Defendants.

Civil Action No. 15-cv-2946 (PAC)

ECF Case

**DECLARATION OF ADAM KURLAND  
IN SUPPORT OF DEFENDANT  
INNOVATIVE BIODEFENSE, INC.'S  
MOTION FOR TRANSFER OF VENUE  
PURSUANT TO 28 U.S.C. 1404(a)**

I, Adam K. Kurland, pursuant to 28 U.S.C. § 1746, declare as follows under penalty of perjury:

1. I am an attorney duly admitted to practice before this Court. I am a partner with the law firm of Fenster & Kurland LLP, attorneys of record for Defendant Innovative BioDefense, Inc. (“IBD”). I am competent to testify to the facts contained in this declaration and I have personal knowledge of all matters set forth herein and to authenticate the documents attached hereto or incorporated herein as exhibits. Through my work in this case, I am familiar with the pleadings, claims, discovery, subpoenas, documents produced by the parties and third-parties, and the procedural history in this action. I make this declaration in support of Defendant Innovative BioDefense, Inc.’s (“IBD”) Motion for Transfer of Venue.

2. As of the filing of this motion on June 10, 2015, Plaintiff Gojo Industries, Inc. (“Gojo”) has issued subpoenas to 19 third-party witnesses in this action. Of the 19 subpoenas that were issued by Gojo, 16 of the subpoenas were purportedly served upon third parties who reside in California.

3. Of the 19 subpoenas that were issued by Gojo in this action, only one subpoena, directed at the former defendant Aquarius Global Energy Partners, LLC, was issued to a resident of New York.

4. As of the filing of this motion on June 10, 2015, Gojo has failed to subpoena any of IBD’s customers and/or potential customers in the State of New York who allegedly communicated with Aquarius Global Energy Partners, LLC regarding the FDA’s approval of IBD’s products.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 10, at New City, New York.

Adam K. Kurland